

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY W. WALKER,

Plaintiff,

v.

MINA BESHARA, ET. AL.,

Defendants.

Case No. 1:20-cv-01050-NONE-HBK (PC)

ORDER FINDING MOOT PLAINTIFF'S
MOTION TO REMOVE MAGISTRATE
JUDGE AND ASSIGN DISTRICT COURT
JUDGE

(Doc. No. 25)

Pending before the Court is Plaintiff's "motion request for removal of magistrate judge and appointment of district judge per my rights," filed June 7, 2021. (Doc. No. 25, "Motion"). As indicated in the title of the pleading, Plaintiff requests that the court remove the assigned magistrate judge and assign the case to a district court judge. (*Id.* at 1). Plaintiff asserts he has an absolute right to "switch from magistrate to district judge." (*Id.*).

The instant Motion is moot. The docket reflects that this case is a not a consent case and is instead assigned to a district judge. (*See* docket). Thus, the relief Plaintiff seeks has already been provided. To the extent the assigned magistrate judge issues an order on non-dispositive motions, Title 28 U.S.C. § 636(b)(1)(A) authorizes such action. (*Id.*) (noting a judge may designate a magistrate judge to hear and determine any pretrial matter pending before the court, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or quash an indictment or information made by the defendant . . . and to involuntarily

1 dismiss an action).

2 Accordingly, it is **ORDERED**:

3 Plaintiff's "motion request for removal of magistrate judge and appointment of district
4 judge per my rights" (Doc. No. 25) is moot.

5
6 Dated: August 20, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE